

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERNEST KANEVSKIY

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Plaintiff,

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VS.

Case No. 1:21-cv-491-RP

GOOGLE LLC, d/b/a YouTube

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Defendant.

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DEFENDANT'S MOTION FOR EXTENSION

Defendant Google LLC (“Google”) moves under Federal Rule of Civil Procedure 6(b) and Local Rule 7(d)(2)(a) for an extension of time to file its responsive pleading to Plaintiff’s Petition, *see* Not. of Supp., Ex. A at 10–48, ECF No. 4-1 (hereinafter the “Complaint”), originally filed in the 98th Judicial District Court of Travis County, Texas. Google requests a two-week extension, making its responsive pleading due on or before June 25, 2021.

Plaintiff filed the Complaint on May 10, 2021, and served it on Google on May 11, 2021. *See* Not. of Supp., Ex. A at 6, ECF No. 4-1. On June 4, 2021, Google removed this case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. *See* Not. of Removal, ECF No. 1. Under Federal Rule of Civil Procedure 81(c)(2), Google’s responsive pleading is therefore presently due on June 11, 2021—seven days after the Notice of Removal was filed. *See id.* at (C).

As required by Local Rule 7(i), Google advises the Court that the undersigned counsel attempted in good faith to contact Plaintiff, who is appearing *pro se*, via phone on June 10, 2021. Plaintiff did not answer, so counsel left him a voicemail. Counsel received no response. Counsel also emailed Plaintiff on June 10, 2021, requesting a two-week extension. Counsel received no

response. Accordingly, no agreement could be made because Google could not make contact with Plaintiff.

This is Google's first request for an extension of time to file its responsive pleading. Google requires additional time to investigate Plaintiffs' allegations and evaluate, in addition to Google's responsive pleading, Plaintiff's choice of venue in Travis County, Texas, given that the YouTube Terms of Service referenced in the Complaint contain a mandatory forum-selection clause, specifying that “[a]ll claims arising out of or relating to these terms or the Service [YouTube] . . . will be litigated exclusively in the federal or state courts of Santa Clara County, California, USA.” *See Terms of Service*, YOUTUBE (Nov. 18, 2020), <https://www.youtube.com/t/terms?archive=202011181>; Complaint ¶¶ 2, 18.

Good cause accordingly exists to grant Google's requested extension, which will facilitate the efficient resolution of this case and preservation of judicial resources.

CONCLUSION

For the reasons set forth above, Google requests that the Court extend Google's deadline to file its responsive pleading, from June 11, 2021 to June 25, 2021.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
GOOGLE LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2021, a true and correct copy of this Motion to Dismiss has been served upon Plaintiff Ernest Kanevskiy, who is the only other party, is a non-CM/ECF participant, and is appearing *pro se*, via certified mail, return receipt requested, to Plaintiff's last known address: 14812 Avery Ranch Blvd., Apt. 19, Austin, Texas 78717, as allowed by Federal Rule of Civil Procedure 5(b)(2)(C).

/s/ Shannon Zmud Teicher
Shannon Zmud Teicher